



**EDWIN M. LEE**  
MAYOR

POLICE DEPARTMENT  
**CITY AND COUNTY OF SAN FRANCISCO**  
HEADQUARTERS  
1245 3<sup>RD</sup> STREET  
SAN FRANCISCO, CALIFORNIA 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

November 8, 2017

Julius Turman, President  
San Francisco Police Commission  
City and County of San Francisco  
1245 3<sup>RD</sup> Street, Floor 6 West  
San Francisco, CA 94158

**Re: Decision whether to return Officer Fung #42 to duty following his involvement in Officer Involved Shooting #17-006.**

Dear President Turman:

Officer Samuel Fung #42, assigned to Crime Scene Investigations is the involved officer in Officer Involved Shooting (OIS) 17-006 77 Diamond Street, case #170-891-442, which occurred on November 1<sup>st</sup>, 2017. Officer Fung was on duty in full uniform at the time of this incident.

On 11/08/17 at 1000 hours, pursuant to Department General Order 8.11.II.G.4, a Return to Duty Panel convened to discuss whether it is appropriate for the involved officer to return to regular duty. The panel was comprised of the following:

- Deputy Chief Robert Moser (Chair) – Administration Bureau
- Commander Robert O'Sullivan – Administration Bureau
- Director John Sanchez-Forensic Services Division
- Captain Curtis Lum – Chief of Staff / Risk Management Office
- Captain Valerie Matthews-Operations Bureau / Major Crimes Unit
- Captain Nicholas Rainsford-Administration Bureau-Staff Services Division-
- Sgt. Maura Pengel - Staff Services Division / Behavioral Science Unit
- Lieutenant Edward Yu – Investigations Division / Homicide Detail
- Lieutenant R. Andrew Cox – Risk Management Office / Internal Affairs Division
- Lieutenant Brian Devlin-Administration Bureau/Crime Scene Investigations

Also present was Sergeant John Crudo of the Internal Affairs Division, Sergeant Scott Warnke of the Homicide Division, and Sergeant Joseph Minner of the Administration Bureau.

The panel called upon the following disciplines to summarily report on mandatory debriefings and factors that are taken into consideration when determining whether to return the officer to duty.

**Homicide Detail:** The panel considered a briefing by Lieutenant Yu, of the Homicide Detail, regarding the preliminary criminal findings as presently established by the Homicide investigation. Lieutenant Yu reported that Homicide investigators indicated that video, including BWC video, and other video and audio evidence from the scene had been reviewed, and this evidence corroborates officers' and witnesses' statements. The facts of the incident as presently established present no issue that would preclude this officer from returning to duty. No objection to the officer's Return to Duty was raised by the representative(s) from the Homicide Detail.

**Internal Affairs Division:** Sergeant Crudo speaking for the Internal Affairs Division reported that Officer Fung completed the post-OIS Firearms debrief at the Lake Merced Police Range on November 7, 2017. Officer Fung also completed the post-OIS Force Options debriefing at the Academy on November 7, 2017. A confidential administrative investigation has been initiated and is ongoing. The facts of the case as presently established at this time present no issue that would preclude this officer from returning to duty. Sergeant Crudo also noted that the officer's current assignment is in the Administration Bureau and he has limited interaction with the public in a direct enforcement capacity. No objection to the officer's Return to Duty was raised by the representative(s) from the Internal Affairs Division.

**Behavioral Science Unit:** Sergeant Pengel reported that Officer Fung attended a mandatory Critical Incident Stress Debriefing facilitated by a licensed clinician on November 3, 2017 and is in compliance with Department General Order 8.04. Officer Fung has been offered resources and is ready to return to work in his current position. No objection to the officer's Return to Duty was raised by the representative(s) from the Behavioral Science Unit.

After reviewing the preliminary facts of the incident as determined by the criminal investigation, discussion of this incident, and consideration of the input from the criminal investigative, internal investigative, and behavioral/health disciplines, the Return to Duty panel voted unanimously to recommend to me that Officer Samuel Fung #42 be returned to his regular assignment.

My decision whether or not to return this Officer to duty, including the aforementioned mandatory debriefings and factors supporting the decision, is scheduled for presentation to the Police Commission in closed session on Wednesday, November 8th, 2017. I look forward to discussing my decision with you at this Police Commission meeting.

Sincerely,

  
**WILLIAM SCOTT**  
Chief of Police